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Tokelau

Working paper prepared by the Secretariat

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I. General

1. Tokealu,[1] a Non-Self-Governing Territory administered by New Zealand, consists of three small atolls in the South Pacific (Nujunonu, Fakaofo and Atafu). Samoa, 480 kilometres to the south, is the nearest sizeable neighbour.

2. Tokelauans are Polynesians with linguistic, family and cultural links to Samoa. Further general information on Tokelau is contained in previous working papers prepared by the Secretariat (A/AC.109/2050 and A/AC.109/2090).

II. Constitutional political developments

A. Constitutional developments

3. It will be recalled that according to information provided by the administering Power (A/AC.109/1193, paras. 3-26; A/AC.109/2022, paras. 5-7; A/AC.109/2050, paras. 2-10; and A/AC.109/2090, para. 3) and the report of the Visiting Mission (A/AC.109/2009), the process of constitutional development is continuing. A first draft of the Constitution of Tokelau that was presented to the National Assembly in 1997 and subsequently referred back to the villages and the relevant subcommittees of Tokelau's Special Constitutional Committee for refinement has not yet been presented for a second time.

4. Two publications related to constitutional development appeared in October 1997. The first was a one-volume collection of the laws of Tokelau, designed to improve Tokelau's access to the existing law and facilitate the proper use of the legislative power granted to the Territory under the Tokelau Amendment Act 1996. The second was a two-part report, entitled "Elements of the Constitution", stemming from Tokelau's work since 1995 on a future Constitution. It incorporates the first report of the Special Constitution Committee of the General *Fono*, which was in Tokelauan, and provides an English translation.

5. The constitutional development agenda was discussed in Wellington in November/December 1997 with Tokelauan officials and the *Ulu-o-Tokelau* (head of the Council of *Faipule* and the highest authority of Tokelau). Consideration is being given to the possibility that in the meantime Tokelau might implement certain ideas developed by the Special Constitution Committee relating, for example, to the structure of the General *Fono*. Also discussed was an outline legislative programme for the period 1997-2000.

B. Public service

6. Information on Tokelau's public service is contained in previous working papers (A/AC.109/2022, paras. 9 and 10, and A/AC.109/2050, paras. 9 and 10). It will be recalled that the Tokelau Public Service currently has six departments, two on each atoll, while the seventh, the Office of the Council of *Faipule*, moves each year, *reflecting the rotation of the office of the* Ulu-o-Tokelau. However, it is being increasingly recognized that in its present form the Tokelau Public Service reflects an external model not well suited to the trend towards development of a national governing capacity where political control comes collectively from the villages. According to the administering Power, the challenge for Tokelau now is to devise a structure tailored to its own cultural context and needs in its present phase of constitutional development.

7. Reflecting the current constitutional evolution of Tokelau, it has been planned for some time for the New Zealand State Services Commissioner, who is the employing authority of the Tokelau Public Service, to withdraw from this role. This would require the repeal of the relevant New Zealand legislation (the Tokelau Amendment Act 1967, part I).

III. Economic and social conditions

8. Detailed information on economic conditions in Tokelau is contained in previous working papers (A/AC.109/1193, 2022, 2050 and 2090) and in the report of the Visiting Mission (A/AC.109/2009).

9. Tokelau's exclusive economic zone has been the most significant natural resource contributor to the national budget through the Forum Fisheries Agency. Tokelau's share of the sixth licensing period under the terms of the Treaty on Fisheries with the United States of America was 705,496 United States dollars in 1994. The Treaty will continue to be a source of revenue (though fluctuating from year to year) to the Territorial Government as long as it remains valid. Fisheries are probably Tokelau's most valuable natural resource.

10. According to the draft 1996 census, over the preceding 10 years, owing to continued migration, Tokelau's population had decreased by about 180 people and had reached its lowest level in 50 years. The Territory enjoys a relatively high standard of living, with no visible signs of poverty or gender inequality. Traditional and communal values and practices play a key role in contributing to a state

of general well-being and equity, as evidenced by the redistributive principles of traditional wealth (the *inati* system) and the importance attached to upholding the concept of the family and/or the extended family. The tradition of *inati* requires the deposition of food and produce at a central location, from which they are then apportioned by the distributors on the basis of "share groups". The principle provides for a secure distribution system that caters to the needs of every member of the community, including the elderly, widows, single parents and children.

11. In 1996, the authorities began a review designed to recommend a framework for economic development over the next 10 years aimed at ensuring the continuing viability of life in Tokelau and developing a greater measure of political autonomy and economic self-sufficiency. It was hoped that conditions in Tokelau would thus be of a sufficient quality to retain local residents and to attract migrant Tokelauans to return and develop their country.

12. Formal talks between New Zealand Overseas Development Assistance (ODA) and Tokelau on the future direction of development aid were initiated in Tokelau in February 1996. It was agreed that ODA should remain focused on telecommunications and transportation. Although the importance of adequate transportation for Tokelau's further development has been recognized, and despite the fact that this sector receives the largest single allocation from the Tokelau budget and ODA and that a second vessel has been acquired, the situation remains unsatisfactory and requires further improvement.

13. Regarding United Nations Development Programme (UNDP) activities in Tokelau, it plans to support sustainable human development through the promotion of good governance and capacity-building and through the promotion of job creation and sustainable livelihoods through village-based entrepreneurial development.

14. An up-to-date international telephone service that cost 4 million New Zealand dollars was inaugurated in April 1997. The telephone system, which also allows for access to the Internet, is expected to contribute to the Territory's progress towards self-determination by facilitating Tokelau's contact with the outside world. Previously, Tokelau had to rely on short wave links to Western Samoa and a mail ship that visited every five weeks. Of the total cost, New Zealand contributed $NZ 1.5 million, and Tokelau $NZ 1.6 million. UNDP and the International Telecommunications Union (ITU) provided the balance.

15. Women are well-integrated in Tokelauan society. They participate fully in the village decision-making process through women's committees, the Village Councils of Elders and their membership in the General *Fono*.

16. Under Tokelau's compulsory education system, primary and secondary education is available to everyone. However, the low standard of the education system remains a problem, with many families migrating to New Zealand or Samoa in order for their children to receive higher-quality education.

17. Average life expectancy is 65 to 70 years, and there is easy access to health clinics. However, the shortage of qualified medical practitioners, surgeons and general health-care workers remains a serious problem on all of the atolls. A large amount of national expense is incurred because of the need to transfer the more serious cases to Samoa or New Zealand for treatment.

IV. Future status of the Territory

A. Position of the administering Power

18. On 9 October 1997, during the general debate on decolonization issues in the Special Political and Decolonization Committee (Fourth Committee), including the question of Tokelau, the representative of the administering Power said that it made little sense for the United Nations to set a decolonization timetable that ignored the realities confronting the remaining Non-Self-Governing Territories. The situation in which Tokelau found itself was different from the pattern traditionally considered by the Special Committee. Had that not been the case, there would have been a temptation to use one of the known governmental models, and not to begin from basics. Tokelau had to find an alternative route to development, drawing upon its own tradition, developing its own ideas in its own language and setting its own timetable for self-determination. Tokelau had reached what looked to be a defining point in its constitutional journey. A first report, in Tokelauan, on the content of a future Constitution had been made at the end of 1996. In September 1997, Tokelau's legal adviser had produced, with UNDP funding, a dual-language report and a collection of the laws of Tokelau, which would facilitate the proper use of the legislative power gained by the General *Fono* in 1996. Another important focus was the drive to recover traditional village authority, concentrating on capacity-building in the villages, in which there was still a shortage of the human and organizational skills required (see A/C.4/52/SR.4)

B. Position of the people of Tokelau

19. The issue of self-determination is under active consideration by the people of Tokelau, who have expressed a strong preference for a status of free association with New Zealand (see A/AC.109/2009 and A/AC.109/2050).

V. Action by the General Assembly

20. On 10 December 1997, the General Assembly adopted resolution 52/77 B, a consolidated resolution on 12 Non-Self-Governing Territories, section X of which was specifically devoted to Tokelau.

Notes

[1] The information contained in the present paper has been derived from information provided to the Secretariat by the Permanent Mission of New Zealand to the United Nations in May 1998 and from the report of UNDP entitled "Country cooperation frameworks and related matters: first country cooperation framework for Tokelau (1998-2002)" (DP/CCF/TOK/1).